



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FBT/153254

PRELIMINARY RECITALS

Pursuant to a petition filed November 04, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on December 03, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner lost FoodShare benefits in October 2013.

NOTE: The record was held open to give Milwaukee Enrollment Services (the agency) an opportunity to review Petitioner's EBT card usage. The agency submitted a packet that included a new summary, a January 28, 2013 notice, and an EBT Transaction Detail printout. It has been marked as exhibit 4 and entered into the record.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Yia Xiong, Income Maintenance Specialist II
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
[REDACTED]

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.

2. In October 2013, Petitioner applied for FoodShare benefits. (Exhibit 3)
3. On October 14, 2013, Petitioner was issued a temporary EBT/Quest card with \$142 on it; \$141 allotment for October 2013 and \$1.00 in benefits, left over from the last time Petitioner qualified for FoodShare benefits in January 2013. (Exhibits 3 and 4)
4. On October 14, 2013, the agency sent Petitioner a Notice: Unused FoodShare Benefit May be Lost. (Exhibit 3)
5. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on November 4, 2013.

DISCUSSION

It appears Petitioner misunderstood the information in the October 14, 2013 notice. That notice was letting Petitioner know that she had leftover benefits from January 2013 and to use them by October 20, 2014, or they would be lost. The notice was NOT telling Petitioner that she lost benefits.

Reviewing Petitioner's EBT reports, it is clear that Petitioner received her full benefits on October 14, 2013 and that Petitioner spent her October allotment by October 25, 2013. According to Mr. Xiong, Petitioner's case is open and on-going, at this point. No benefits have been lost.

CONCLUSIONS OF LAW

Petitioner did not lose any FoodShare benefits in October 2013.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that

Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 9th day of December, 2013

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 9, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability